

FLUVANNA COUNTY PUBLIC SCHOOLS

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March 1, 2011

Ruth Milkman, Chief
Wireless Telecommunications Bureau
Federal Communications Commission

Re: WT Docket No. 11-22

Ms. Milkman:

Fluvanna County Public Schools ("FCPS") respectfully submits this letter in lieu of reply comments in the above-listed proceeding. FCPS fully supports the request for a blanket six-month extension of the May 1, 2011 substantial service date for Educational Broadband Service ("EBS") licensees, including the required filing of FCC Form 601 and Schedule K thereto, and urges that relief be granted expeditiously. In the event that blanket relief is not granted, FCPS respectfully requests its own six-month extension for the reasons set forth below.¹

FCPS is a small public school system in rural Virginia, near Charlottesville. FCPS operates five schools serving approximately 3800 students in grades pre-K through 12. It offers Advanced Placement classes, career and technical education courses, as well as standard curriculum offerings to meet the academic needs of its students.

FCPS is also the licensee of WLX518 (EBS). Cognizant of the FCC's requirements, FCPS obtained two competitive offers for lease of excess capacity in its EBS license several years ago. Both proposals were from companies whose management had significant communications experience. In October 2008, FCPS signed a lease with Utopian Wireless Corporation ("Utopian") through its affiliate UW-VA, LLC. This lease was approved by the Commission in early 2009. Thus, it is incontrovertible FCPS acted in a reasonable and timely manner.

However, FCPS is uncertain as to the status of Utopian's network construction efforts for WLX518. We have not received any status reports on construction and have failed to make contact with Utopian's management despite our several efforts. Thus, FCPS cannot represent whether or not it expects to provide substantial service.

Moreover, as Clearwire states on page 4 of its February 22, 2011 comments in this proceeding:

Of course, educators are unable to begin making educational use
of the new broadband facilities being deployed in the 2.5 GHz

¹ FCPS realizes that, absent grant of a blanket extension of time, it would be required to file Form 601 and Schedule L thereto in order to obtain an individual extension of time.

band by their commercial partners until those facilities are constructed and made operational.

We are not casting aspersions at our commercial partner. We understand that the economic conditions are still challenging many businesses and that small companies often have their limited resources stretched thinly. However, in any event, it would be unfair to penalize FCPS, its students and the taxpayers of Fluvanna County through the forfeiture of WLX518 when FCPS has acted reasonably and in good faith with respect to leasing excess capacity in that license. Therefore, we strongly support the blanket request for an extension of time and urge the Commission to grant relief quickly. Thank you for your time and consideration.

Very truly yours,

/s/

Gena Keller
Superintendent